

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

VIRGINIA PEEK,

Plaintiff,

v.

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

Case No. 1:21-cv-1828-HBK

ORDER DIRECTING CLERK TO LIFT THE  
STAY AND DIRECTING COMMISSIONER  
TO FILE THE CERTIFIED  
ADMINISTRATIVE RECORD, AND  
***AMENDED SCHEDULING ORDER***

This action was automatically stayed under General Order No. 615 due to the Commissioner's inability to prepare a certified copy of the administrative record with limitations caused by the COVID-19 pandemic. General Order No. 644 rescinded the temporary stay effective April 1, 2022.

Accordingly, it is **ORDERED**:

1. The Stay imposed by General Order No. 615 is **LIFTED effective April 1, 2022**.
2. **Within 90 days of service of this Order**, the Commissioner shall file the certified administrative record ("CAR"). In those cases where a Fed. R. Civ. P. 12 motion to dismiss is warranted, the Commissioner shall file a motion to dismiss in lieu of filing the CAR. The motion to dismiss shall be filed within 90 days from the date of service of this Order.
3. **Within 45 days of the filing of the CAR**, the Plaintiff shall file a motion for summary judgment.

1           4.     **Within 45 days after service of Plaintiff's motion for summary judgment,** the  
2 Commissioner shall file a cross-motion for summary judgment.

3           5.     **Within 15 days after filing of defendant's cross-motion for summary**  
4 **judgment,** Plaintiff may file an optional reply brief.

5           6.     Each party is permitted a single, 30-day extension of time from their respective  
6 pleading deadline without the need to obtain either the other party's or the court's approval. The  
7 party shall file a "Notice of 30-Day Permitted Extension of Time." Any other extensions of time,  
8 included any stipulated extensions of time, must be filed by motion and establish good cause.  
9 Local Rule 144(d).

10          7.     Any motion for attorney fees shall be filed within 30 days after entry of final  
11 judgment, if appropriate. Any opposition or a statement of non-opposition shall be filed within  
12 30 days thereafter.

13          8.     All references to the record and all assertion of fact must be accompanied by  
14 citations to the record. The motion for summary judgment and cross-motion for summary  
15 judgment shall contain the following:

16               (a)     A description of the Plaintiff's alleged physical or emotional impairments,  
17 including when the Plaintiff contends the impairments became disabling, and how these  
18 impairments disable the Plaintiff from work;

19               (b)     A summary of all relevant medical evidence, including an explanation of  
20 the significance of clinical and laboratory findings and the purpose and effect of prescribed  
21 medication and therapy;

22               (c)     A summary of the relevant testimony at the administrative hearing;

23               (d)     A recitation of the defendant's findings and conclusions relevant to the  
24 plaintiff's claims;

25               (e)     A short, separate statement of each of the Plaintiff's legal claims stated in  
26 terms of the insufficiency of the evidence to support findings of fact or reliance upon an  
27 erroneous legal standard; and

28               (f)     Argument separately addressing each claimed error. Argument in support

1 of each claim of error must be supported by citation to legal authority and explanation of the  
2 application of such authority to the facts of the particular case. Briefs that do not substantially  
3 comply with these requirements will be stricken.

4 9. Violations of this Order, the Federal Rules of Civil Procedure, or the Local Rules  
5 may result in sanctions pursuant to Local Rule 110.

6  
7 Dated: April 3, 2022

  
HELENA M. BARCH-KUCHTA  
UNITED STATES MAGISTRATE JUDGE